

5/21 to 6/3 – FEDERAL COURT ACTIVITY

United States Attorney's Office, Northern District of Indiana

Hammond, Indiana - The United States Attorney's Office announced:

James Gaskill, 29, of Attica, Indiana, was sentenced by Judge Joseph Van Bokkelen to 30 months imprisonment and 3 years of supervised release after pleading guilty to count one of an indictment charging him with being a felon in possession of a firearm. This case was the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This case was prosecuted by Assistant United States Attorney David Nozick.

Julio Cortes, 30, of Hammond, Indiana, was sentenced by Senior Judge Rudy Lozano to 6 months imprisonment with credit for time served, and if not immediately deported, 1 year of supervised release after pleading guilty to count one of an indictment charging him with misuse of a social security number. This case was the result of an investigation by the U.S. Immigration and Customs Enforcement Office of Homeland Security Investigations. This case was prosecuted by Assistant United States Attorney Gary Bell.

Samuel Gant, 37, of Gary, Indiana, was sentenced by Judge Joseph Van Bokkelen to 20 months imprisonment and 3 years of supervised release after pleading guilty to count one of an indictment charging him with being a felon in possession of a firearm. This case was the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives HIDTA Task Force. This case was prosecuted by Assistant United States Attorney Nicholas Padilla.

Vladimir Debeljak, 33, of Hobart, Indiana, was sentenced by Senior Judge James Moody to 3 years probation and 8 months of home detention after pleading guilty to count one of an indictment charging him with counterfeiting. This case was the result of an investigation by the United States Secret Service. This case was prosecuted by Assistant United States Attorney Gary Bell.

Sandra Mills, 61, of Lafayette, Indiana, pled guilty before Senior Judge James Moody to count three of an indictment charging her with filing a false income tax return. These charges were filed as the result of an investigation by the Internal Revenue Service Criminal Investigation. This case is being prosecuted by Assistant United States Attorney Thomas Ratcliffe.

Brandon Hinkle, 32, of Gary, Indiana, was sentenced by Judge Joseph Van Bokkelen to two years probation and restitution in the amount of \$14,651 to the Department of Workforce Development. after pleading guilty to count one of an indictment charging him with theft of government property. This case was the result of an investigation by the Department of Labor Office of the Inspector General. This case was prosecuted by Assistant United States Attorney Thomas Ratcliffe.

Marcell Seawood, 26, of Gary, Indiana, pled guilty before Senior Judge James Moody to count one of a second superseding indictment charging with use of a communication facility to distribute a controlled substance in the case *US v Crawford et al.* These charges were filed as the result of an investigation by the Federal Bureau of Investigation. This case is being prosecuted by Assistant United States Attorney Jacqueline Jacobs.

Jay Anderson, 50, of Delphi, Indiana, was sentenced by Senior Judge James Moody to one year probation after pleading guilty to count one of a superseding indictment charging him with being a felon in possession of a firearm. This case was the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This case was prosecuted by Assistant United States Attorney Dean Lanter.

Armando Vera, 55, of East Chicago, Indiana, pled guilty before Judge Joseph Van Bokkelen to count two of an indictment charging him with distribution of marijuana. Sentencing has been set for 8/3/11. These charges were filed as the result of an investigation by the Drug Enforcement Administration. This case is being prosecuted by Assistant United States Attorney David Nozick.

Harold Pemberton, III, 35, of East Chicago, Indiana, was sentenced by Chief Judge Philip Simon to 24 months imprisonment and 3 years of supervised release after pleading guilty to count one of an indictment charging him with being a felon in possession of a firearm and ammunition. This case was the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This case was prosecuted by Assistant United States Attorney Nicholas Padilla.

Ricardo Valenzuela, 28, of Lafayette, Indiana, was sentenced by Senior Judge James Moody to 12 months and 1 day imprisonment and 3 years of supervised release if not deported after pleading guilty to count one of an indictment charging him with distribution of cocaine. This case was the result of an investigation by the Federal Bureau of Investigation. This case was prosecuted by Assistant United States Attorney Jacqueline Jacobs.

Richard Hasza, 28, of Hobart, Indiana, pled guilty before Judge Joseph Van Bokkelen to count two of an indictment charging him with making false statements in the purchase of a firearm. Sentencing has been set for 9/8/11. These charges were filed as the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives HIDTA Task Force. This case is being prosecuted by Assistant United States Attorney Nicholas Padilla.

Chiquita Deshazer, 24, of Chicago, Illinois, was sentenced by Chief Judge Philip Simon to 6 months imprisonment and 1 year of supervised release after pleading guilty to counts one and two of an indictment charging her with conspiracy to commit identity theft and social security fraud. This case was the result of an investigation by the United States Postal Inspection Service. This case was prosecuted by Assistant United States Attorney Toi Houston.

Tiffany Nelson, 24, of Portage, Indiana, was sentenced by Chief Judge Philip Simon to 3 months probation and 6 months of home detention after pleading guilty to count one of an indictment charging her with bank fraud of the Fifth Third Bank. This case was the result of an investigation by the United States Secret Service. This case was prosecuted by Assistant United States Attorney Randall Stewart.

The specific sentence in each case to be imposed upon conviction will be determined by the judge after a consideration of federal sentencing statutes and the Federal Sentencing Guidelines.

6/2/2011: MAINTENANCE MANAGER PLEADS GUILTY TO CONSPIRACY TO VIOLATE CLEAN AIR ACT PERMIT ~Workers Falsified Baghouse Reports

Hammond, Indiana—The Maintenance Manager of Jupiter Aluminum Corporation in Hammond, Indiana, pleaded guilty today in federal court in Hammond to conspiracy to violate a permit issued pursuant to the Clean Air Act and causing mechanics at the facility to falsify records, the U.S. Attorney's Office and the U.S. Department of Justice's Environment and Natural Resources Division announced.

Charles Woodworth pleaded guilty before Chief U.S. District Judge Philip P. Simon for the Northern District of Indiana to one count of conspiracy to violate Jupiter Aluminum's Clean Air Act Title V Permit and falsifying documents required to be kept by the permit.

Jupiter Aluminum Corporation's Title V Clean Air Act Permit requires, among other things, that the facility's pollution control devices are properly maintained and that the company prepare and maintain accurate records related to the its pollution control systems, specifically, the baghouses. The purpose of the baghouses is to

prevent particulates, which result from Jupiter's aluminum recycling operations, from entering into the environment. The requirement that accurate records are prepared and maintained is to help ensure that the pollution control instruments are performing in accordance with the permit requirements.

According to a plea agreement filed with the court, from August 2002 through November 2007, maintenance workers at Jupiter Aluminum, who were supervised by Mr. Woodworth, falsified baghouse reports by providing false and fictitious information on the reports and omitting other information required by Jupiter Aluminum's permit. A sentencing date has been set for November 1, 2011 before Chief Judge Philip Simon.

This investigation was conducted by Northern District of Indiana Environmental Crimes Task Force, specifically the Environmental Protection Agency-Criminal Investigative Division and Indiana Department of Environmental Management - Criminal Investigations. The case is being prosecuted by Assistant United States Attorney Toi Houston, together with Gary Donner of the Justice Department's Environmental Crimes Section of the Environment and Natural Resources Division.

The specific sentence in each case to be imposed upon conviction will be determined by the judge after a consideration of federal sentencing statutes and the Federal Sentencing Guidelines.

Alejandro Briseno, 20, of Hammond, Indiana, was charged in an indictment with being a person under indictment for a crime punishable by imprisonment for a term exceeding one year in possession of a firearm and ammunition. These charges were filed as the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives HIDTA Task Force. This case has been assigned to and will be prosecuted by Assistant United States Attorney David Nozick.

Mark T. Garza, 25, of Munster, Indiana, was charged in an indictment with being a felon in possession of a firearm. These charges were filed as the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives HIDTA Task Force and the Highland Police Department. This case has been assigned to and will be prosecuted by Assistant United States Attorney David Nozick.

Brian Reider, 50, of Valparaiso, Indiana, was charged in an indictment with distribution of child pornography, and possession of child pornography. These charges were filed as the result of an investigation by the Federal Bureau of Investigation, the Kokomo Police Department, and the Highland Police Department. This case has been assigned to and will be prosecuted by Assistant United States Attorney Jill Koster. ***Anyone with information regarding Brian A. Reider is encouraged to contact the FBI at (317) 639-3301.***

Donte Brown, 36, of Gary, Indiana, was charged in an indictment with distribution/possession of cocaine. These charges were filed as the result of an investigation by the Federal Bureau of Investigation GRIT Task Force. This case has been assigned to and will be prosecuted by Assistant United States Attorney Jennifer Chang-Adiga.

Hugh L. Payne, 63, of Hammond, Indiana, was charged in an indictment with possession of child pornography. These charges were filed as the result of an investigation by the U.S. Immigration and Customs Enforcement Office of Homeland Security Investigations. This case has been assigned to and will be prosecuted by Assistant United States Attorney Susan Collins.

The United States Attorney's Office emphasized that an indictment is merely an allegation and that all persons charged are presumed innocent until and unless proven guilty in court.

The specific sentence in each case to be imposed upon conviction will be determined by the judge after a consideration of federal sentencing statutes and the Federal Sentencing Guidelines.

5/25/2011 INDICTMENT UNSEALED IN FEDERAL COURT

Hammond, Indiana—The United States Attorney's Office announced the following:

Six individuals were charged by an indictment unsealed yesterday with Identity Theft, Social Security Fraud, and Bank Fraud. Daniel Wilson, 50, Anthony Young, 41, Ora Mae Deshazer Wilson, 52, Kamba Hasan, 38, all of Chicago, Illinois; and Demetris Finley, 30, of Hazel Crest, Illinois, and Delilah Day, 29, of Carpentersville, Illinois, are alleged to have obtained fraudulent birth documents purportedly issued from the State of Illinois, social security account numbers issued by the Commissioner of the Social Security Administration to other individuals, and fraudulent earnings statements purportedly issued by businesses. The defendants utilized these documents to obtain numerous State of Indiana identification (ID) cards and subsequently opened bank accounts at various financial institutions in Indiana and Illinois utilizing these fraudulent obtained ID cards and social security numbers. The defendants also cashed counterfeit checks at various financial institutions and/or merchants. The financial institutions were FDIC insured during the time of the fraud scheme. Additionally, the defendants wrote fraudulent checks on some of the accounts in excess of \$1,000.00 during a one year period and subsequently obtained proceeds, i.e., cash and/or merchandise, after using the fraudulent checks. These charges were filed as the result of an investigation by United States Postal Inspection Service. This case has been assigned to and will be prosecuted by Assistant United States Attorney Toi Houston.

The United States Attorney's Office emphasized that an Indictment is merely an allegation and that all persons charged are presumed innocent until and unless proven guilty in court.

The specific sentence in each case to be imposed upon conviction will be determined by the judge after a consideration of federal sentencing statutes and the Federal Sentencing Guidelines.

South Bend, IN - The United States Attorney's Office announced:

Christopher Chism, 24, of South Bend, Indiana, pled guilty before Judge Robert Miller, Jr. to count one of an indictment charging him with unlawful transport of firearms. Sentencing has been set for 9/1/11. These charges were filed as the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This case is being prosecuted by Assistant United States Attorney Frank Schaffer.

Gary Marshall, 56, of Winamac, Indiana, pled guilty before Judge Robert Miller, Jr. to count two of an indictment charging him with being a felon in possession of a firearm. Sentencing has been set for 9/1/11. These charges were filed as the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This case is being prosecuted by Assistant United States Attorney Frank Schaffer.

Tyran Lenard, 21, of South Bend, Indiana, was sentenced by Judge Robert Miller, Jr. to time served and 3 years of supervised release after pleading guilty to count four of an indictment charging him with unlawful transport of firearms. This case was the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This case was prosecuted by Assistant United States Attorney William Grimmer.

Jerome Butler, III, 32, of South Bend, Indiana, pled guilty before Judge Jon DeGuilio to counts two and three of an indictment charging him with possession and distribution of cocaine. Sentencing has been set for 8/31/11. These charges were filed as the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This case is being prosecuted by Assistant United States Attorney Donald Schmid.

Robert Phillips, 23, of South Bend, Indiana, pled guilty before Magistrate Judge Christopher Neuchterlein to count one of an indictment charging him with being a felon in possession of a firearm and ammunition. These charges were filed as the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

and the South Bend Police Department. This case is being prosecuted by Assistant United States Attorney John Maciejczyk.

Raymundo Cabrales, 23, of Chicago, Illinois, was sentenced by Judge Robert Miller, Jr. to 78 months imprisonment and 3 years of supervised release after pleading guilty to counts five and six of an indictment charging him with distribution of marijuana and possession of a firearm in furtherance of a drug trafficking crime. This case was the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This case was prosecuted by Assistant United States Attorney Donald Schmid.

Maria Luisa Mendoza, 50, of Cromwell, Indiana, was sentenced by Judge Jon DeGuilio to 3 years of supervised probation and \$10,001 in restitution after pleading guilty to count two of an indictment charging her with misuse of a social security number. This case was the result of an investigation by the Social Security Administration. This case was prosecuted by Assistant United States Attorney John Maciejczyk.

Trisha Jackson, 33, of LaPorte, Indiana, pled guilty before Magistrate Judge Christopher Neuchterlein to count one of an Information charging her with being a felon in possession of a firearm. Sentencing has been set for 9/1/11. These charges were filed as the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This case is being prosecuted by Assistant United States Attorney Frank Schaffer.

The specific sentence in each case to be imposed upon conviction will be determined by the judge after a consideration of federal sentencing statutes and the Federal Sentencing Guidelines.

6/1/2010 THREE ARRESTED IN ILLEGAL ALIEN INVESTIGATION

South Bend, Indiana—United States Attorney David Capp announced today that federal agents have arrested three individuals in conjunction with an investigation of harboring illegal aliens. The three arrested are:

- Ramon Garcia, age 38, of South Bend, Indiana;
- Paulino Ascencion-Apolino, age 22, of Elkhart, Indiana;
- Rafael Ibarra-Diaz, age 38, of South Bend, Indiana.

Garcia and Assention-Apolino have been charged with mail fraud in violation of Title 18, United States Code, Section 1341 and 1349, and conspiracy to harbor illegal aliens in violation of Title 8, United States Code, Section 1324. Ibarra-Diaz has been charged with illegally reentering the United States after being deported in violation of Title 8, United States Code, Section 1326(a). The initial hearings have been set for Thursday, June 2, 2011, at 3:00 PM in the Robert Grant Federal Courthouse, 204 South Main Street, South Bend, Indiana.

Additionally, today federal agents served three search warrants in conjunction with the investigation at three Northern Indiana businesses: (1) Servicios Mi Tierra, located on W. Western Ave., South Bend, Indiana; (2) Servicios Mi Tierra, located on U.S. 33, Elkhart, Indiana; and (3) Agencia Latina, located in Highland, Indiana.

The investigation is being led by agents from the United States Department of Homeland Security - Homeland Security Investigations in Chicago in conjunction with the United States Postal Service, Indiana State Police, Elkhart Police Department, and South Bend Police Department. Investigators with the Indiana Bureau of Motor Vehicles also assisted in the investigation which is ongoing.

This case has been assigned to and will be prosecuted by Assistant United States Attorney Kenneth Hays.

The United States Attorney's Office emphasized that a Complaint is merely an allegation and that all persons charged are presumed innocent until and unless proven guilty in court.

The specific sentence in each case to be imposed upon conviction will be determined by the judge after a consideration of federal sentencing statutes and the Federal Sentencing Guidelines.

5/25/2011 JUSTICE DEPARTMENT FILES LAWSUIT AGAINST SOUTH BEND PUBLIC TRANSPORTATION CORPORATION TO DEFEND EMPLOYMENT RIGHTS OF ARMY RESERVIST

The Department of Justice announced today that it has resolved claims made by Stephen Ralston against the South Bend, Ind., Public Transportation Corporation (TRANSPO) under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

Subject to certain conditions, USERRA requires employers to promptly reemploy returning service members to the position they would have held had their employment not been interrupted by military service, or in a position of like seniority, status and pay. USERRA also prohibits an employer from denying, among other things, retention in employment to a member of the uniformed services on the basis of that membership, performance of service or service obligation.

The complaint in this case, which was filed along with a proposed consent decree in the U.S. District Court for the Northern District of Indiana, alleges that TRANSPO violated various sections of USERRA by, among other things, failing to properly reemploy Mr. Ralston after his military obligations ended, and discriminating against Mr. Ralston because of his military obligations. Mr. Ralston, who was employed by TRANSPO in January 2008, was activated to full-time military duty and deployed to Iraq. After Mr. Ralston's military obligations concluded in November 2009, he promptly applied for reinstatement with TRANSPO. On his first day back at TRANSPO in December 2009, Mr. Ralston was informed by TRANSPO's assistant general manager that Ralston's position would cease to exist after Dec. 31, 2009. On Dec. 31, 2009, TRANSPO delivered a letter to Mr. Ralston stating that he was being discharged that day. No other TRANSPO employee was discharged that day. Under the terms of the consent decree, TRANSPO will pay Mr. Ralston \$45,000 in back pay.

"Our country values its military reservists and the sacrifices they make. No service member should be disadvantaged because he or she heeded the call to duty," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "The Civil Rights Division of the Department of Justice is fully committed to protecting the employment rights of persons who serve in the armed services."

"Our commitment to returning service members is complete and unwavering," said Ray Jefferson, Assistant Secretary of Labor for Veterans' Employment and Training. "Members of our Armed Forces volunteered for the duty of protecting our nation, our values, our interests and our way of life. It is our duty to support them when they need assistance after returning home."

The Justice Department's lawsuit was filed after the Veterans' Employment and Training Service of the Department of Labor referred the complaints filed by Mr. Ralston to the Justice Department upon completion of its investigation and unresolved settlement efforts. USERRA provides that the Department of Justice may appear on behalf of, and act as attorney for, persons whose complaints are referred to Department of Justice by the Department of Labor.

This case was handled jointly by the Office of the U.S. Attorney for the Northern District of Indiana and the Employment Litigation Section of the Civil Rights Division. Wayne Ault, Assistant U.S. Attorney, and Hector Ruiz, Senior Trial Attorney, served as counsel for plaintiff. The Justice Department's Civil Rights Division has given a high priority to the enforcement of service members' rights under USERRA. Additional information about USERRA

can be found on the Justice Department's websites at www.usdoj.gov/crt/emp and www.servicemembers.gov, as well as on the Labor Department's website at www.dol.gov/vets/programs/userra/main.htm.
